IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.203 OF 2002

Shri Narayan Ugar .. Appellant

vs.

Shri Mukund Ugar & Ors. .. Respondents

Shri P.R.Kadam, Advocate for the Appellant.

Shri A.G.Damale, Advocate for the Respondents.

CORAM : A.S.OKA, J.

DATED : 16th March, 2005.

P.C. :

1. On request made by the learned Counsel appearing for the Appellant, appeal is restored.

2. The challenge in this Appeal from Order is to the order dated 4.11.1995 passed below the application at exhibit 31A and order dated 16.1.2002 passed below the application at exhibit 46. Assuming that the Appeal is maintainable against the order dated 4.11.1995, the same cannot be entertained as it is filed after lapse of more than 6 years and there is no application for

condonation of delay. In so far as appeal against order dated 16.1.2002 is concerned, the said order is passed on the application for review made by the Appellant. Application for review has been rejected by the said order. Appeal from Order is therefore not maintainable in so far as challenge to the said order is concerned,

3. Hence Appeal is dismissed. The dismissal of the appeal will not preclude the Appellant from filing appropriate proceeding for challenging the order dated 16.1.2002. If any such proceeding is filed all contentions of both the parties in such proceedings are kept expressly open.

(A.S.Oka,J.)